



~~April 5, 2006 BZA~~
May 3, 2006 BZA

REQUEST ANALYSIS
AND
RECOMMENDATION

06AN0255

David Mathews/Premier Homes

Matoaca Magisterial District
21708 Sappony Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

This request lies on five (5) acres located approximately 600 feet northeast of Sappony Road measured from a point approximately 0.6 mile southeast of Route 360 and is better known as 21708 Sappony Road. Tax ID 685-657-1965. Access will be across Tax ID 684-658-Part of 5895 (Sheet 22).

Existing Zoning:

A

Size:

Five (5) acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Vacant
South - A; Residential and vacant
East - A; Vacant
West - A; Residential and vacant

Utilities:

Private well and septic system

General Plan:

(Southern and Western Area Plan)

Rural conservation use

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The proposed access to the subject property will be across a private easement from Point A to Point B, as shown on the attached map.

The applicant provides the following justification in support of this request:

I would like to construct a single family dwelling. The existing parcel does not have frontage on a state maintained road as required by the current Zoning Ordinance. The parcel in question is "landlocked" and was created prior to 1980. Without the Variance the property will be rendered useless.

The subject property is owned by Les Levine of New York, New York. It is located approximately 600 feet northeast of Sappony Road and consists of five (5) acres which was recorded prior to 1980. The applicant plans to construct a single family dwelling on the subject property. In order to develop this property for residential purposes it would need to meet all standards set forth in the Subdivision and Zoning Ordinance relative to the zoning district. The Subdivision Ordinance states "parcels

and/or lots recorded prior to January 1, 1980 shall be considered buildable if they meet all standards relative to the appropriate zoning district. If frontage and width standards cannot be met, the parcel or lot is eligible to apply for a Variance". Therefore, the applicants are applying for relief to the Zoning Ordinance relative to the fifty (50) foot road frontage requirement (Section 19-551).

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family, or complies with the plat validation process. In this case, the property was recorded prior to 1980.

Staff inspected the property and observed the access and lot are unimproved.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) address their concerns.

The applicant had previously indicated that he was attempting to obtain an access via adjacent property located at 21901 Hull Street Road which is to the southeast of the subject property. However, the adjacent property owner's representative advised staff and the applicant they would not allow the applicant to use their property at 21901 Hull Street Road as access. The applicant now has indicated he will access the subject property via adjacent property located at 21800 Sappony Road which is to the southwest of the subject property. The Board deferred this request from their April 5, 2006, meeting to allow time to add the parcel for a new access.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. No physical surrounding, shape or topographical conditions exist on the property that would present a particular hardship to the property owner if this Variance were denied. There are no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. When the applicant applies for a building permit, the applicant shall provide a copy of a recorded instrument which will include:

A thirty (30) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report.
2. The private access easement shall meet the following requirements:
 - (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;
 - (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:
 - (c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to

the property. The house numbers shall be displayed in at least four (4) inch high numbers.

4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.

CASE HISTORY

03/31/06:

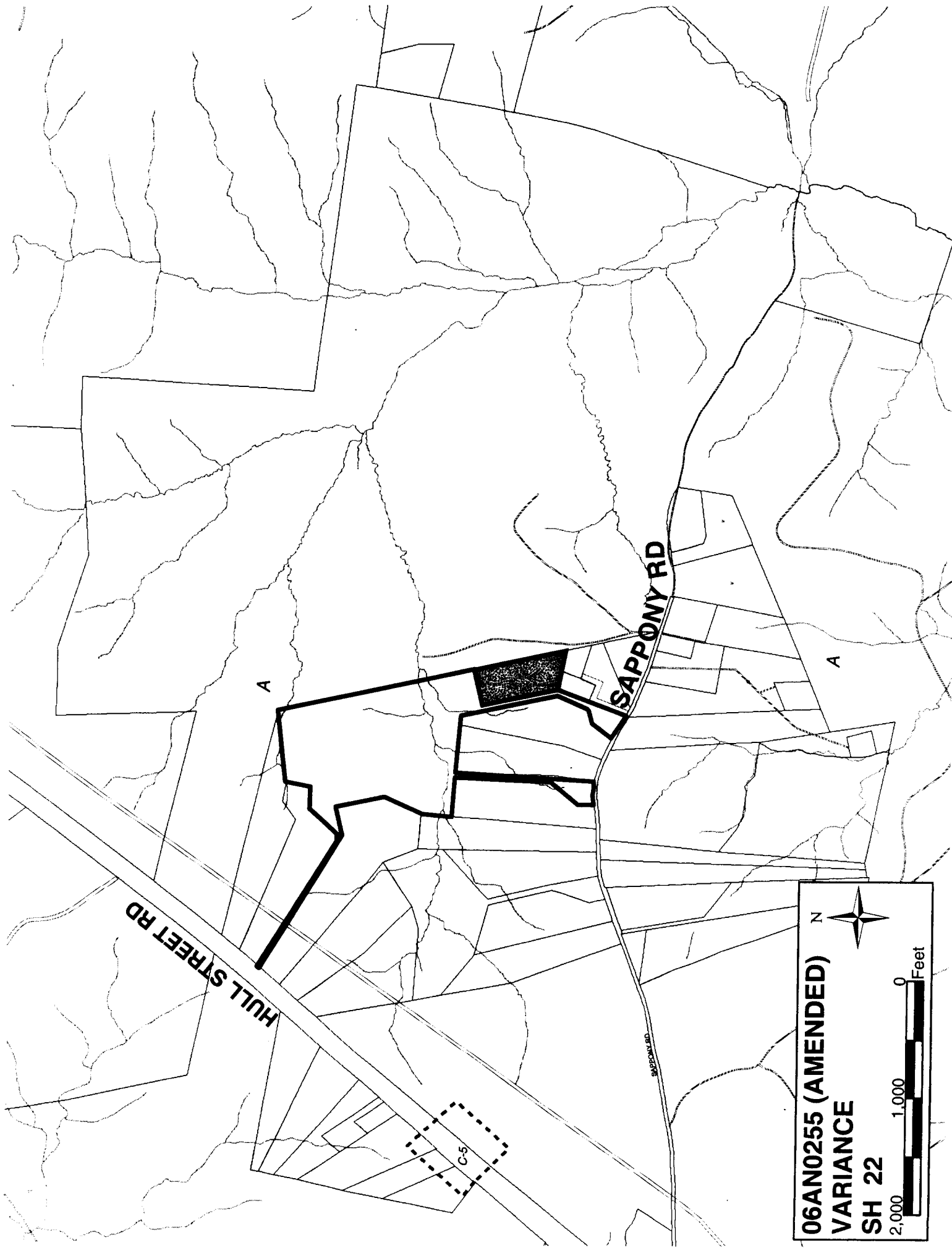
An adjacent property owner's representative, Edwin Gadberry, advised staff and the applicant the property at 21901 Hull Street Road could not be used as an access to the subject property.

04/04/06:

The applicant amended his request to add a new parcel for an access.

04/05/06:

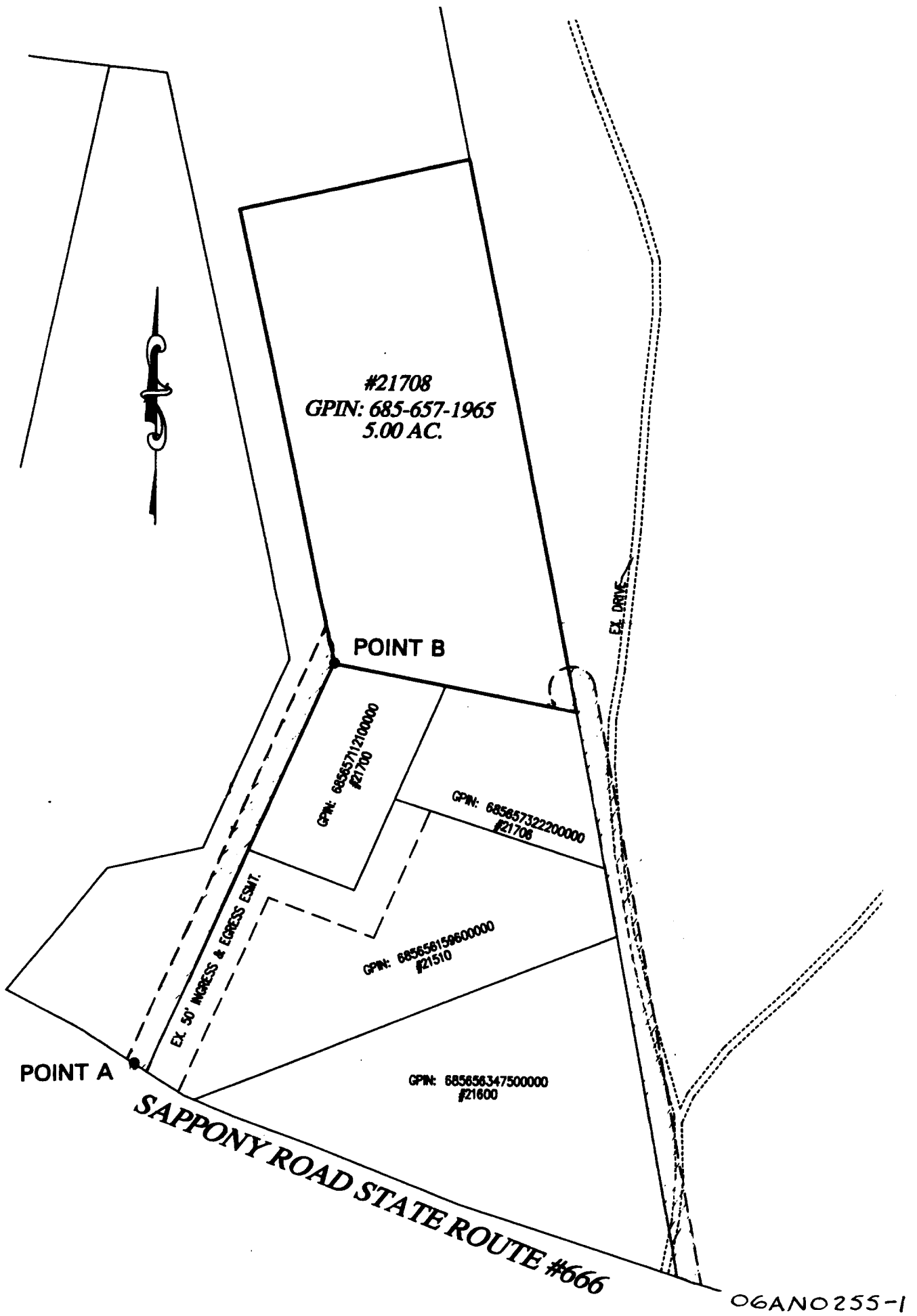
The Board deferred this request to their May 3, 2006, meeting to allow staff time to advertise the new access.

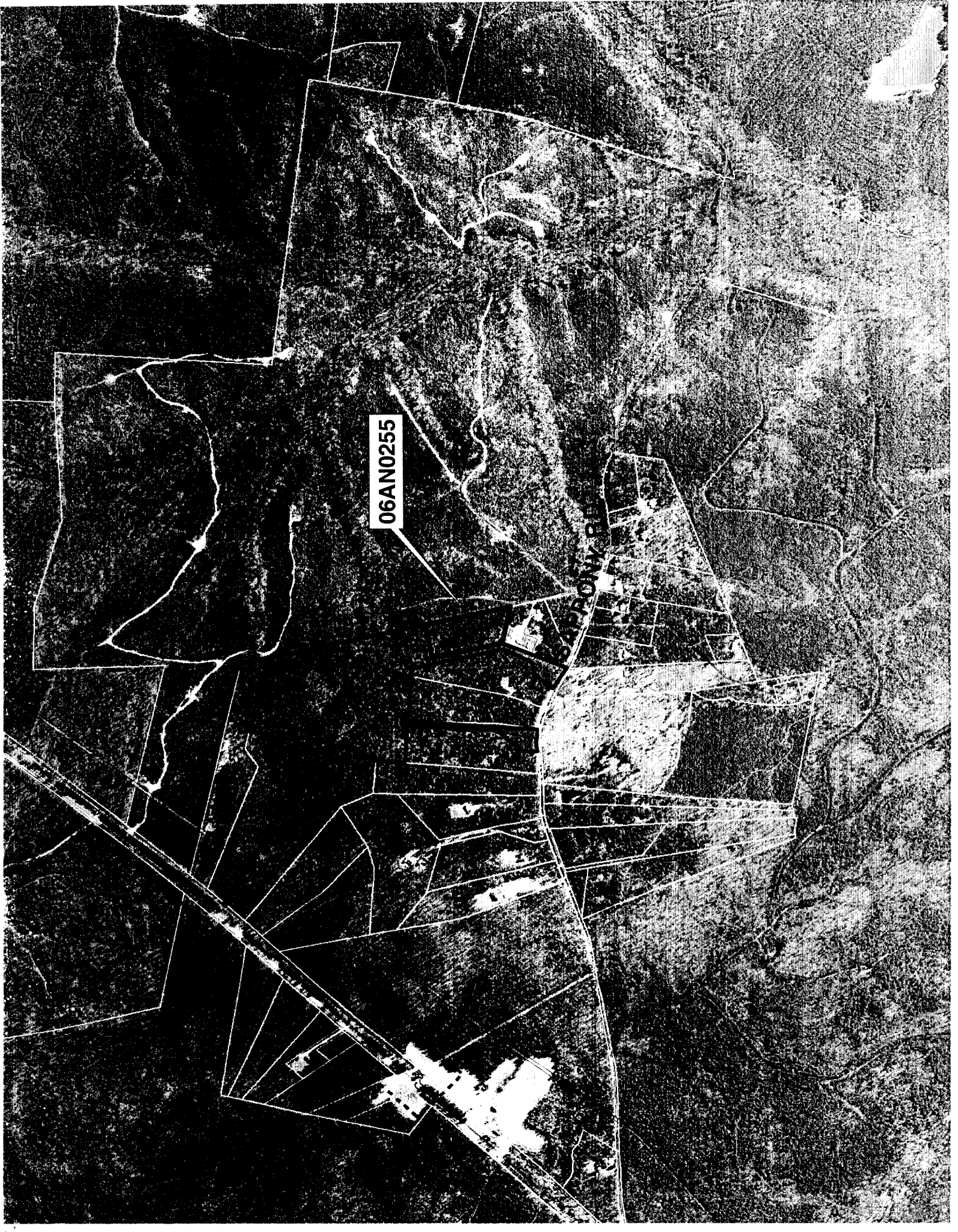


06AN0255 (AMENDED)
VARIANCE

SH 22







06AN0255

SAPRONY BE